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Remarks

Claims 38 through 40, 43 and 44 stand rejected under 35 USC 102(e) as being anticipated by '898 due to DeKort. Claims 38 through 40 and 43 through 44 stand rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims 1 through 19 of US patent number 6,723,948. In response to this double patenting rejection, the Applicant has filed a terminal disclaimer herewith. Review and acceptance is requested.

The Applicant respectfully disagrees with the rejections of claim 38 and the claims dependent thereon in view of the DeKort reference for the following reasons. The DeKort disclosure concerns a packaging machine in which flow packs are produced. The production entails folding a web of packaging material 3 into a continuous tubular shape with the assistance of roller means 8. Articles 7 are then inserted into the tubular package and subsequently passed to cutting and closing rollers 5 with which the packages are sealed and separated from each other. Towards this end, the tubular wrapping is pressed flat and severed in a transverse direction at a position intermediate between the inserted, adjacent packages. The resulting flow pack 9 containing the articles 7 is then passed via suction cups 24, 29, to conveyor belts 25 or 26.

In contrast thereto, the instant invention concerns a device for processing, cutting or punching, cardboard, printed cardboard or the like. In the course of this processing, waste material is produced which is passed onto a disposal device located downstream of a working gap. Claim 38 explicitly recites, in the last two lines thereof, a disposal device located downstream

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of the working gap for collecting substrate waste. This element is completely missing from the prior art of the '898 patent. The flow packs 9 of '898 cannot be considered substrate waste, since they are, in fact, the desired end product generated by the package machine. Clearly, the term "waste" cannot be construed to be the product of interest, rather material which is to be disposed of and which is not of use. This limitation is therefore clearly not met by the DeKort disclosure.

The invention as claimed concerns a device for processing punched cardboard substrates which disposes of substrate waste. The prior art of record provides no suggestion for such a disposal device. The dependent claims inherit the limitations of the base claim and are therefore similarly distinguished from the prior art of record for the reasons given. The Applicant requests allowance of all claims, since claim 38 is generic and allowable.

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Respectfully submitted,

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